



HOUSE OF LORDS

A Guide to Private Members' Bills in the House of Lords



Further information on public bills can be found in:

A Guide to Public Bills in the House of Lords

A Guide to House of Lords Amendment Style

Companion to the Standing Orders and Guide to the Proceedings of the House of Lords

These publications are all available in the Printed Paper Office, in the Public Bill Office and on the Parliament website.

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Contents

What is a private member's bill?.....	5
Support from the PBO	5
How and when are private members' bills introduced?	6
How does a bill proceed after introduction?.....	6
Second reading	7
Subsequent stages.....	7
What happens after a private member's bill is passed by the Lords?	8
Sponsoring a Commons private member's bill	8
Explanatory notes	9

What is a private member's bill?

1. A private member's bill is a public bill sponsored by any member of either House who is not a minister. The procedure and practice on private members' bills is in most respects identical to that on any other public bill and members may wish to consult the other guides produced by the Public Bill Office (PBO) on these matters. Private members' bills are sometimes confused with private bills, which originate outside Parliament and are subject to different procedures.

Support from the PBO

2. The PBO gives advice and assistance to members of the House considering whether to introduce bills. The PBO can help to draft bills and give advice on the form of a bill already drafted. It can sometimes take days or weeks to prepare a bill and it is necessary to ensure that a bill complies with rules about form and content, so the PBO should be consulted as early as possible.
3. Guidance published by the Office of Parliamentary Counsel on drafting bills may be helpful. See: www.gov.uk/government/publications/drafting-bills-for-parliament. In particular, bills are drafted in a gender-neutral way so far as practicable.
4. A draft bill produced by the PBO will meet requirements about form and content and provide a basis for debate. Members may approach the House of Lords Library for detailed research into the policy and legal backgrounds related to their chosen topics.
5. The PBO prepares a procedural brief for each bill stage setting out the form of words to be used by the member sponsoring or in charge of the bill. A copy of the brief is emailed to the sponsor the night before the bill stage and is available from 2pm (10am when the House sits at 11am; 9.30am when the House sits at 10am) in Peers' Lobby and in the Prince's Chamber, or on request from the PBO.

How and when are private members' bills introduced?

6. At the beginning of a session, there is a ballot two days after State Opening to determine the order in which the first 25 private members' bills are to be introduced. It is recommended that members should consult the PBO well in advance. The short and long title of a bill must be finalised and submitted by 4pm the day before the ballot, in order to enter. A member may not enter more than one bill into the ballot, and the bill must not be of identical or substantially similar effect to a bill entered by another member. Once all the bills drawn in the ballot have been introduced and published, other private members' bills can be introduced on any sitting day by arrangement with the PBO.
7. Introduction and first reading of new bills normally take place immediately after oral questions (or on Fridays after Prayers). No notice is given on the order paper.
8. The introduction and first reading of a bill are formal. No debate takes place at this stage. If the member of the House sponsoring the bill cannot be present, the sponsor can authorise another member to introduce it on the sponsor's behalf, but the PBO must be informed in advance if this is the case.

How does a bill proceed after introduction?

9. Scheduling of business is coordinated by the Government Whips' Office, including for PMBs. However, it is the responsibility of the member in charge of the bill to seek a date for its second reading, and subsequently for each of its remaining stages. This is done by contacting the Government Whips' Office (x3131). The order of introduction influences but does not fix the order of later stages. Minimum intervals should be observed.
10. There is no set time for considering private members' bills. At busy times of the year, and especially towards the end of the session, it may be difficult to find a convenient time for private members' bills, particularly if many members of the House wish to speak on them or if large numbers of amendments are likely to be tabled. In addition, there is only a set number of days when private members' bills can be considered in the Commons. It is therefore strongly advised to enter the ballot, rather than introduce bills later in the session, to increase the chance of the bill reaching the Commons in reasonable time.

11. Stages of private members' bills are most commonly taken on sitting Fridays. A stage with no amendments or debate may be taken formally on any day, usually after questions

Second reading

12. When a date is fixed for the second reading, the Government Whips' Office will arrange for the bill to be entered in *House of Lords Business* and in *Forthcoming Business*. A speakers' list will be opened in the Government Whips' Office in the usual way.
13. The member in charge of the bill opens the second reading debate and has a right of reply after the Minister has spoken.
14. After the bill has been given a second reading, the member in charge moves a motion to commit the bill, normally to a Committee of the whole House. Once agreed, the member in charge of the bill should then contact the Government Whips' Office to arrange a date for the committee stage.
15. It is unusual for a division to take place on the second reading of a private member's bill. Any member who wishes to oppose a second reading should give notice on the order paper by tabling an amendment to the motion for second reading in the Table Office.
16. If a division occurs the member in charge must, within 3 minutes, appoint two Tellers (one of whom can be the member in charge), and ensure that a supporter of the bill remains in the Chamber to respond when the question is again put, or the division will be lost. This also applies to divisions at subsequent stages.

Subsequent stages

17. Dates are fixed for subsequent stages by agreement with the Government Whips' Office. If amendments are tabled the member in charge is responsible for responding to them during the debate, though a government minister also usually speaks. Daily sheets and marshalled lists are published in the usual way.
18. If there are a large number of amendments, the Government Whips' Office will always assist in preparing a list of groupings. Decisions about groupings can only

be made with the agreement of the member who has tabled the amendment and it is advisable to discuss groupings with the Government Whips' Office a day or so before the stage in question (earlier in the case of committee stage).

19. For further information on committee stage, report stage or third reading, see the booklets *A Guide to Public Bills in the House of Lords* and *A Guide to House of Lords Amendment Style*.

What happens after a private member's bill is passed by the Lords?

20. A Lords private member's bill will not be proceeded with, or even published, in the Commons until an MP has informed the Commons Public Bill Office that they wish to take it up. The member in charge should therefore ensure that an MP is prepared to do this. If a member of the House has difficulty in finding an MP to take up a bill, the Government or other Whips' Offices may be able to assist.
21. Members of the House should be aware that priority for debating time on private members' bills in the Commons is accorded to bills originating in that House, principally 20 ballot bills. Bills sent from the Lords are very unlikely to be debated, and can be read a second time without debate only if no member present, including the Government, objects. In addition, a bill, or provisions of a bill, requiring Money cover cannot be proceeded with in Committee in the Commons without a Money resolution having first been agreed by that House on a motion moved by a minister. A bill whose main object is tax or spending may proceed in the Commons only as a government bill.
22. If the Commons amend a Lords private member's bill, their amendments have to be agreed by the Lords before the bill can be given Royal Assent. The member of the House in charge will be responsible for moving the appropriate motions and should liaise with the Government Whips' Office and with the PBO about arrangements for this.

Sponsoring a Commons private member's bill

23. A Commons bill is automatically given a first reading and published online for the Lords. To go any further, Commons private members' bills have to be taken

up in the Lords by a member. Proceedings on such bills are similar to those described above for Lords private members' bills after first reading.

24. A member of the House who has agreed with the MP sponsoring a Commons bill to take it up should inform the PBO and, within 12 sitting days of the bill's first reading, arrange a date for the second reading with the Government Whips' Office.
25. In practice, such bills usually carry all-party support and proceedings in the Lords after second reading may even be formal: but members of the House who take up Commons bills should be prepared to respond to any amendments which may be tabled. Since Commons private members' bills may be sent to the Lords late in the session, members of the House should also be prepared to be flexible about the time when stages of a bill are taken.
26. As with bills starting in the Lords, the PBO is available to give advice and assistance.

Explanatory notes

27. Explanatory notes may be produced in conjunction with a private member's bill, but they are not compulsory and, for short bills, they may well not be necessary. Explanatory notes may be produced by the member or government departments may in some cases prepare notes with the consent of the member in charge. A template for explanatory notes can be provided by the PBO.
28. Explanatory notes usually contain a background section which explains the origins of the bill, the current legislation on the topic, and an explanatory section which explains each individual clause and schedule (where applicable). The House requires that explanatory notes must be neutral in tone and not seek to promote the bill or the policy underlying it.
29. Explanatory notes should be submitted to the PBO in advance for checking, ideally alongside the bill. The PBO usually publishes the explanatory notes, along with the bill, overnight after the bill has been introduced.

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